

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROCCO FAMIGLIETTI,

Plaintiff,

-against-

**DEFENDANTS' NOTICE
OF MOTION TO DISMISS
THE COMPLAINT**

No. 23 CV 2754(LDH)(VMS)

NEW YORK CITY DEPARTMENT OF SANITATION,
CITY OF NEW YORK, ERIC ADAMS, DAVID
CHOKSHI,

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated September 8, 2023, and upon all the papers and proceedings previously had herein, the undersigned will move this Court, before the Hon. LaShann DeArcy Hall, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza, Brooklyn, New York, 11201, on a date and time to be determined by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in its entirety on the grounds that, as a matter of law, the Complaint fails to adequately state a claim upon which relief can be granted and for further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the scheduling order issued by the Court on August 17, 2023, Plaintiff's answering papers, if any, shall be served upon the undersigned on or before September 22, 2023, Defendants shall serve their reply papers, if any, upon Plaintiff on or before October 6, 2023, and Defendants shall file the full-briefed motion via ECF on or before October 6, 2023.

Dated: New York, New York
September 8, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
Attorney for Defendants
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New York, New York 10007
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By: /s/ Kathleen M. Linnane
Kathleen M. Linnane
Assistant Corporation Counsel
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TO: All Counsel (via e-mail)

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HON. SYLVIA O. HINDS-RADIX

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New York, N.Y. 10007*

*Of Counsel: Kathleen M. Linnane
Tel: (212) 356-2467*

Due and timely service is hereby admitted.

New York, N.Y., 20.....

....., Esq.

Attorney for.....